

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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JOSEPH TRENT MOSBY,

Plaintiff,

v.

**ORDER**

Civil File No. 06-344 (MJD/FLN)

THE F.B.O.P., et al.,

Defendants.

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Joseph Trent Mosby, pro se .

Lonnie F. Bryan, Assistant United States Attorney, Counsel for Defendants.

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The above-entitled matter comes before the Court upon Plaintiff Joseph Trent Mosby's Motion to Reconsider Order Denying Rule 65. [Docket No. 43]

On August 21, 2006, United States Magistrate Judge Franklin L. Noel issued a Report and Recommendation recommending that Mosby's Emergency Motion for a Temporary Restraining Order [Docket No. 6] be denied. Objections to the Report and Recommendation were due by September 8, 2006. Mosby did not file any objections by that date. On September 13, 2006, the Court noted that no objections had been filed, adopted the Report and Recommendation, and denied Mosby's Motion for a Temporary Restraining Order. [Docket No. 41]

On September 28, 2006, Mosby filed a Motion to Reconsider Order Denying Rule 65. [Docket No. 43] In this and other filings, Mosby asserts that he has been hindered in his ability to file timely objections to the Report and Recommendation. Among other things, he has been transferred to another prison to testify as a witness in a capital trial and was separated from his legal file and research. After a hung jury, that capital trial is again proceeding.

In the interest of justice, the Court grants Mosby another ninety days in which to file his objections to the August 21, 2006 Report and Recommendation.

Accordingly, based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

Plaintiff's Motion to Reconsider Order Denying Rule 65 [Docket No. 43] is **GRANTED** as follows: Petitioner Joseph Trent Mosby has ninety days from the date of this Order to file objections to the Report and Recommendation of United States Magistrate Judge Franklin L. Noel dated August 21, 2006.

Dated: December 8, 2006

s / Michael J. Davis  
Judge Michael J. Davis  
United States District Court